

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ISAAC H. BROOKS, JR.,

Petitioner,

v.

No. 14-1250

UNITED STATES OF AMERICA,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RELEASE PENDING OUTCOME OF
§ 2255 MOTION

Before the Court in this case brought by the *pro se* Petitioner, Isaac H. Brooks, Jr., pursuant to 28 U.S.C. § 2255 is his motion for release pending ruling on the petition. (Docket Entry ("D.E.") 33.) To receive bail pending the outcome of a habeas petition, "prisoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of some circumstance making the motion for bail exceptional and deserving of special treatment in the interests of justice." *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990) (citing *Aronson v. May*, 85 S. Ct. 3, 5 (1964)) (internal alterations & quotation marks omitted); *see also Jackson v. United States*, No. 3:02-CR-12-RLJ-HBG-1, 2016 WL 6106394, at *2 (E.D. Tenn. Oct. 19, 2016) (same). "Because the case for bail pending resolution of a post-conviction proceeding is weaker than the case for bail pending appeal, applicants are required to make a greater-than-normal showing of special reasons for admission to bail." *Cureton v. United States*, Nos. 3:03-CR-116-TWP-HBG-1, 3:16-CV-298-TWP, 2016 WL 6106395, at *3 (E.D. Tenn. Oct. 19, 2016) (internal alterations, citation & quotation marks omitted). This is a difficult standard

that few habeas petitioners are able to meet. *Wingo v. United States*, 341 F. App'x 132, 135 (6th Cir. 2009).

In his motion, Brooks makes no assertion of a substantial claim of law or exceptional circumstances. His contention that he is neither violent nor a flight risk is insufficient to warrant relief. *See Tetramariner v. United States*, Nos. 91-5224, 91-5324, 1991 WL 142629, at *1 (6th Cir. 1991) (petitioner's claims that he should be released pending disposition of his § 2255 motion because he did not pose a threat to society or a risk of flight were not adequate to support release). The motion is DENIED.

IT IS SO ORDERED this 23rd day of November 2016.

s/ J. DANIEL BREEN
CHIEF UNITED STATES DISTRICT JUDGE